

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

LOUIS JAMES ROMERO,

Defendant/Movant.

Cause No. CR 12-51-GF-BMM

ORDER STAYING § 2255 MOTION

On November 1, 2016, Defendant/Movant Louis James Romero filed a motion to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255. Romero is a federal prisoner proceeding pro se.

Romero has a pending appeal. He challenges the denial of his motion for a “drugs minus two” sentence reduction under 18 U.S.C. § 3582(c)(2) and Amendments 782 and 788 to the United States Sentencing Guidelines. A pending appeal divests a district court of “control over those aspects of the case involved in the appeal.” *United States v. Najjor*, 255 F.3d 979, 983 (9th Cir. 2001). As Romero challenges his sentence both in the appeal and in his § 2255 motion, the § 2255 motion will be stayed while the appeal remains pending.

Accordingly, IT IS HEREBY ORDERED that Romero’s motion under 28 U.S.C. § 2255 is STAYED pending resolution of his direct appeal, No. 16-30007.

Romero must immediately advise the Court of any change in his mailing address by filing a “Notice of Change of Address.” Failure to do so may result in dismissal or denial of his § 2255 motion without notice to him.

DATED this 5th day of January, 2017.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris
United States District Court Judge